

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR FENCE HEIGHT VARIANCE FROM 6 FT TO 8 FT; (JAMES M. NEIDHART, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald  **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 05-19-03 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR FENCE HEIGHT VARIANCE FROM 6 FT TO 8 FT; (JAMES M. NEIDHART, APPLICANT); OR
2. **DENY** THE REQUEST FOR FENCE HEIGHT VARIANCE FROM 6 FT TO 8 FT; (JAMES M. NEIDHART, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #2, Morris)

(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	JAMES M. NEIDHART 209 MORNING GLORY DR	PUD DISTRICT, LDC SECTION 30.451(d)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT RECENTLY REPLACED AN 8 FT TALL NON-CONFORMING FENCE WITH ANOTHER 8 FT TALL FENCE, WITHOUT THE REQUIRED BUILDING PERMIT. • THE ORIGINAL 8 FT TALL FENCE WAS CONSTRUCTED PRIOR TO THE ADOPTION OF THE CURRENT FENCE STANDARDS IN 1992 AND ALLOWED TO REMAIN AS A NONCONFORMING STRUCTURE. • THE REPLACEMENT FENCE IS REQUIRED TO COMPLY WITH THE CURRENT FENCE STANDARDS. • A VARIANCE FROM 6 FT TO 8 FT IS THEREBY REQUESTED TO MAKE THE NEW FENCE CONFORMING. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • IN 1980, A SWAIL (DRAINAGE DITCH) WAS CONSTRUCTED AT THE REAR OF THE SUBJECT PROPERTY (LOT 18) AND TWO OTHER ADJACENT PROPERTIES (LOTS 16 & 17) TO ELIMINATE A FLOODING PROBLEM ON NEARBY LOT 15. THE CONSTRUCTION OF THE SWAIL ALTERED THE TOPOGRAPHY OF THE SUBJECT PROPERTY BY LOWERING THE ELEVATION OF THE REAR YARD; THE EFFECTIVENESS OF A 6FT TALL FENCE TO PROVIDE PRIVACY ALONG THE SLOPING 	

	<p>PORTIONS OF THE LOT WAS THEREBY REDUCED. THESE SPECIAL CIRCUMSTANCES CONSTITUTE A HARDSHIP.</p> <ul style="list-style-type: none">• THE SPECIAL CIRCUMSTANCES DESCRIBED DID NOT RESULT FROM THE APPLICANT'S ACTIONS.• THE GRANT OF THE VARIANCE WOULD NOT CONFER SPECIAL PRIVILEGES TO THE APPLICANT.• THE APPLICATION OF THE MAXIMUM FENCE HEIGHT STANDARD WOULD DEPRIVE THE APPLICANT OF PRIVACY RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE GREENWOOD LAKES PUD.• THE REQUESTED VARIANCE IS THE MINIMUM THAT WOULD MAKE POSSIBLE THE CONTINUED REASONABLE USE OF THE SUBJECT PROPERTY.• THE REQUESTED VARIANCE WOULD BE CONSISTENT WITH THE GENERAL INTENT AND PURPOSE OF THE LAND DEVELOPMENT CODE AND THEREFORE NON-INJUROUS TO THE PUBLIC WELFARE.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• STAFF RECOMMENDS APPROVAL OF THE REQUEST BASED ON THE FINDINGS STATED IN THIS REPORT, SUBJECT TO THE FOLLOWING CONDITION:<ul style="list-style-type: none">○ ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE FENCE AS DEPICTED ON THE ATTACHED SITE PLAN.

PLAT OF SURVEY

DESCRIPTION

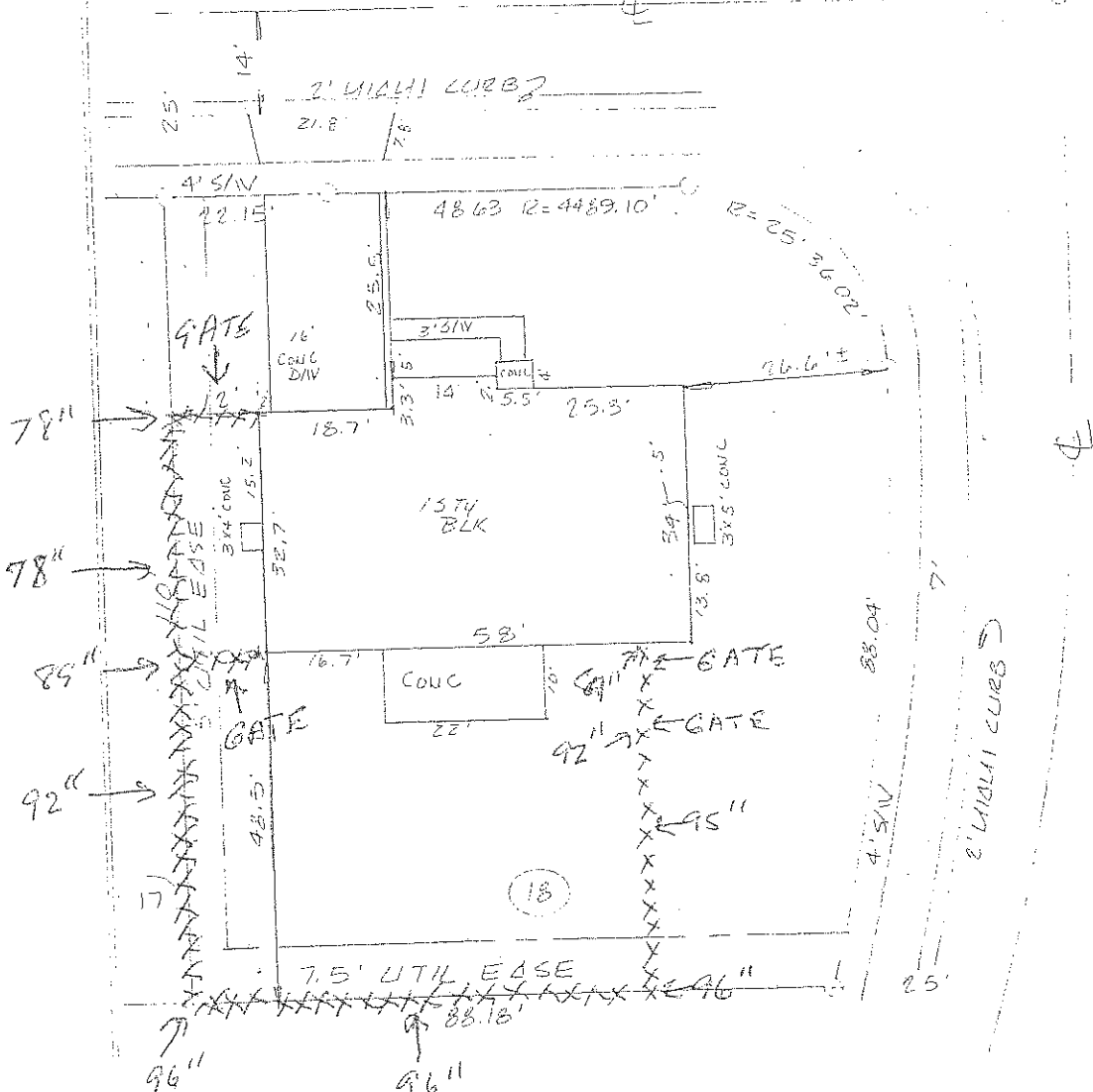
Lot 18, Block 2, GREENWOOD LAKES UNIT-2
as recorded in Plat Book 22, Page 3, Public Records of SEMINOLE COUNTY, FLA

4-2-2003

X = Wood Fence

MORNING GLORY DRIVE

MILL RUN DRIVE



BUILDING TIES SHOWN ON THIS SURVEY SHOULD NOT BE USED TO RECONSTRUCT PROPERTY LINES

CERTIFIED CORRECT

Ralph Singleton

RALPH D. SINGLETON
PROFESSIONAL LAND SURVEYOR - #1080

**bowyer-
singleton
associates**

INCORPORATED
CONSULTING ENGINEERS - LAND SURVEYING
401 SOUTH ROSALIND AVENUE, SUITE 100, ORLANDO, FLORIDA 32801
205.54

PREPARED FOR
FLORIDA RESIDENTIAL
COMMUNITIES INC

DATE: 9/13/79
SCALE: 1"=20'
FOUNDATION ADDED: 10/12/79
FINAL ADDED: 1/14/80
DRAWN BY: JLD
FILE NUMBER: 2054

James Neidhart

209 Morning Glory Drive

